

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jen Banford and
Annette Wiles,

Case No.: 15-cv-03740
(PJS/LIB)

Plaintiffs,

v.

The Board of Regents of the
University of Minnesota,

Defendants.

**DECLARATION
OF
JEN BANFORD**

I, Jen Banford, submit the following Declaration:

1. I was hired as head softball coach at UMD in 2005. At the time I was hired, the job was full time as head softball coach.

2. Beginning in 2007 my softball base salary was “augmented,” which provided me with additional pay. Every contract that renewed from 2007 through 2014 contained a provision for a pay augmentation.

3. Between 2007 and 2014 I consistently held a variety of additional part-time jobs at UMD that correlated with my salary augmentation, though the dollar amount of the augmentation did not necessarily correlate with the time requirements of the part-time job.

4. Throughout all of those years, my job classification remained head coach, classification number 9791. That number is reflected on my annual performance evaluations.

5. In July 2009 I was assigned to a part-time position as director of operations for the women's ice hockey team. My softball base salary was augmented each year . The augmentation began at \$10,00, but was raised over time to \$15,000. It was \$15,000 in the 2013-2016 contract. As it always had before, my job classification code remained 9791, head coach.

6. Because of the nature of the hockey operations job, my supervisor at the time, Bob Nielson asked me if I was willing to take that assignment. I accepted the director of hockey operations job because I wanted to learn. I wanted the experience of working for a Division I team, for a well known Division I coach. I saw it as a way to advance myself in my chosen profession as a head coach, since it would give me experience in Division I athletics.

7. During the years I was assigned as director of operations for the women's hockey team, I was able to earn additional income from hockey camp in addition to the additional income I earned from softball camp. I participated in both camps from 2009 through my non-renewal, and the amount earned varied in each from year to year. However, in the last few years I was at UMD, the amount I earned from hockey camp was larger from the amount I earned from softball camp.

8. In December 2014 when Shannon Miller's contract was non-renewed and my three-year contract was non-renewed, the two assistant hockey coaches, [REDACTED] and [REDACTED] were also non-renewed.

9. With those non-renewals, only three employees remained in the women's ice hockey program. They were [REDACTED], [REDACTED], and [REDACTED].

10. [REDACTED] was the part-time Sports Information Director for women's hockey. [REDACTED] was primarily an assistant soccer coach. She had been hired by the head soccer coach, Greg Cane, and Cane was her direct report and supervisor, and did her annual performance evaluation. Although [REDACTED] communicated regularly with Shannon Miller about her women's hockey responsibilities, Miller was not her supervisor, and did not do her annual performance evaluation.

11. [REDACTED] was an Athletic Trainer assigned to women's hockey as her main sport, with Track as her secondary sport in the spring. Mike Wendinger was her direct report and supervisor, and did her annual performance evaluation. Although she communicated regularly with Shannon Miller about her women's hockey responsibilities, Miller was not [REDACTED] supervisor, and did not do her annual performance evaluation.

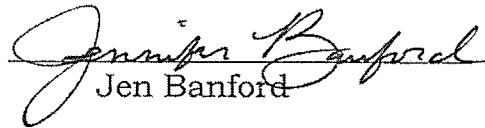
12. [REDACTED] was the Strength & Conditioning Coach and Equipment manager assigned to women's hockey. Mike Wendinger was her direct report and supervisor, and did her annual performance evaluation. Although she communicated regularly with Shannon Miller about her women's hockey responsibilities, Miller was not [REDACTED] supervisor, and did not do her annual performance evaluation.

13. From the time I accepted the assignment to women's hockey in 2009 through my non-renewal in December 2014, my position as Director of Hockey Operations was a part time position. My direct report and supervisor during that time was always the current Athletic Director: Bob Nielson (2009-2012), Karen Stromme (2013), Jay Finnerty and Josh Berlo (2014). My annual performance evaluation was always performed by the current Athletic Director, which was Berlo after his arrival in 2013. Although I communicated regularly with Shannon Miller about my women's hockey responsibilities, Miller was not my supervisor, and did not do my annual performance evaluation.

OATH AND SIGNATURE ON THE NEXT PAGE

I declare under penalty of perjury under the laws of the United States and the State of California that everything I have stated in this document is true and correct.

Executed on November 16, 2020, in Palm Springs, California.


Jen Banford